

# Too Free For Me

*By R. Rex Stephenson*

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## **DEDICATION**

*For my parents, Robert and Martha Jean, and to Lowell and Nancy Swortzell for their teaching, their guidance, and their friendship.*

*And I would be remiss if I didn't mention Joe Ray, who helped me see, by his performance, what this play could be.*

## **STORY OF THE PLAY**

This drama is based on an actual trial that occurred in Franklin County, Virginia in 1851. All the characters depicted in the play actually lived and most incidents dramatized actually happened. The play incorporates court records, diaries, and census figures.

Indiana Choice, a black woman, claims that she and her three children are free. She sues Gresham Choice, her alleged owner, for not only her freedom but that of her three children. Gresham, a prominent citizen with political aspirations, denies Indiana is a free black. The events of the trial are recalled by Margaret Oxley who attended this trial as a child. Oxley is especially fond of Jubal Early, the lawyer for Indiana Choice. As the trial progresses, a variety of witnesses are called to provide evidence concerning Indiana's legal status. The pivotal witness is Cassandra Choice, wife of the man trying to keep Indiana in slavery. She is also the only person who knows Indiana's real status. Cassandra is torn between her duty to her friend and her wifely duties to her husband.

About 90 mins.

## **CAST OF CHARACTERS**

*(6 m, 7 w)*

**JUBAL EARLY:** At the time of this play Jubal is only about 30 years old, but because of his manner of dress and his rheumatism he looks at least ten years older. Jubal is the epitome of the “good ol’ boy” and at first meeting may appear less than bright. However, Jubal is like the iceberg, there is much more underneath than there is on top. His clothing reflects the average Franklin County citizen much more than the prominent lawyer and politician he really is.

**GRESHAM CHOICE:** A man in his mid 30s, he is interested in self-improvement and community improvement and believes that this can and will happen harmoniously. Gresham should never be played as a bigot, but as one who is reflecting the accepted beliefs of his society towards slaves. He must present these arguments with compassion and sincerity, if the play is to adequately reflect an understanding of this community.

**CASSANDRA CHOICE:** Married to Gresham. In her early 30s and her manner and dress are reflective of her station in this community. She is not a rebel, but simply takes up the cause of Indiana because it is right. She does not see slavery on the broad scope that Gresham does, but rather through the eyes of her friend, Indiana. To put the play in its “real” historic context, Cassandra must anguish between the choices of responsibilities to one’s community and responsibilities to one’s friends. The play mentions that she is pregnant, but she is in the very early stages and her condition is not visible.

**INDIANA CHOICE:** In her late 20s and although her costume should be that of a slave, it reflects the style and confidence this black woman has in fighting the system. Indiana fights this battle for several reasons: first, for the sake of her children and second, because individuals, both white and black, have told her she is a free woman. In no way should she be played as a woman leading a crusade against the injustices of slavery.

**EDMUNSON:** Is the slick out-of-town lawyer who argues the philosophy of Calhoun. He not only believes that Southern society is economically dependent on the institution of slavery, but that the institution is morally correct. He sees the slave as the foundation of the Southern society and to tamper with that institution, no matter how minutely, could cause the whole social structure to shift or even crumble.

**MRS. BURROUGHS:** Is the wife of a Franklin County owner of a few slaves. It was actually on her farm that Booker T. Washington would be born in about five years. Although her clothes are simple, her dress does indicate that of a working woman.

**JUDGE TALIFERRO:** Is a Franklin County lawyer born and raised. He's in his late 50s and is primarily interested in things happening right in his court.

**SUSAN BARROWS STOCKTON:** Is the sister of Cassandra and the wife of Gresham's business partner. She dresses with a bit more flair and style than Cassandra and is about ten years younger. She is the wife of a Franklin small slave owner. Although her clothes are simple, her dress does reflect that of a working woman.

**JULIA:** Is a young woman, probably about 18 or 19 at the time of the trial. She lacks the education and background that we would think a teacher would possess today, but she is bright and is as class conscious as many of the characters in the play.

**SALLY:** Is a young female slave, probably about 18 years old. Although she very much wants freedom for Indiana and her children, she fears what could happen to them if the case is lost. Her dress is very plain.

**ROBERT WILSON:** A store owner. He believes his primary responsibility is to earn a living and offend no one. He wears a plain, no-frills black or gray suit.

**JONATHAN:** A free black man in his mid-20s who works for Wilson. He is very neat in appearance and very bright.

**MARGARET OXLEY:** Is an adult at the time the newspaper reporter calls on her. She is finely dressed for a person living in a small rural Virginia community. Oxley's recollections are based both on what she remembers and

what her father, who was on the jury, told her about the trial. She is a gracious host and her actions and hospitality should reflect those of a true Southern lady.

### **BACKGROUND AND PRODUCTION NOTES**

The play takes place in a courtroom. There are two tables for the attorneys and their defendants. Mr. Early's table is right center and Mr. Edmunson's table is left center. Behind these two tables are two benches on platforms for the witnesses and spectators. Down stage right is the judge's bench and the witness chair is above and slightly to the right of Edmunson's table. All furniture in the courtroom is extremely plain, but sturdy. The stage space is walled in by black drapes and the only piece of scenery is a large American or Virginia flag that hangs dead center. There are five entrance areas in the curtains: two openings DSR and DSL below the proscenium, two openings USR and USL, and the fifth entrance is USC. The DS area is enclosed by a bannister rail to give the effect of the audience being part of the jury. All flashback scenes are played on the apron.

The play uses slow motion, stop action, and freeze scenes. The audience views this trial through Margaret Oxley's vivid recollections coming to life as she describes them to the newspaper reporter. Whenever Oxley speaks, controlled white light illuminates her, and rose-pink lighting illuminates the background. (*Referred to in the script as Oxley lights.*) General lighting illuminates the courtroom, and the apron lighting should be very tight so that there are no spills into the courtroom.

## **TOO FREE FOR ME**

*(MARGARET OXLEY is CS when LIGHTS come up. She pantomimes opening a door center.)*

MARGARET: Hello. Yes, I'm Margaret Oxley. Well, I don't know how much help I can be, but come on in. *(She steps back two steps.)* I'd think all of you news reporters would be concentrating on other things--important news. *(She moves toward witness chair.)* You know, it's interesting that you should ask me about that trial, today of all days. Well, with it being Independence Day and all the Federal troops moving out of the South, I thought people would start looking ahead again. It's the Centennial. We've been a nation a hundred years and I hope people will really celebrate that. *(Pause.)* We've had enough hard feelings ...but you want to know about that trial. Oh, no, I don't mind talking about it. Have a seat. *(She sits in witness chair.)* Well, let me see what I can recall. It all took place in the old courthouse on Main Street in Rocky Mount. Those were pretty excitin' times. President Fillmore had just approved the Compromise of 1850 and we were all breathin' easier hopin' the Union was saved. But this trial, well, I guess it caused all of us here to feel a little fretful. *(She responds to a question.)* No, you're right, I probably do know more about this case than most. Even though I was only fifteen at the time, I was at that trial every day. My father, John Oxley, was on the jury, and after the trial, there probably wasn't a day went by that he didn't mention something about it, right up until the day he volunteered for the 37<sup>th</sup> Battalion. God rest his soul. *(She responds to a question.)* No, no, Chancellorsville; he never made it to Gettysburg. He served with General Early. *(She responds to a question.)* Why, yes, the same General Early who was Indiana's lawyer.

*(SHE rises and crosses DSL. JUBAL enters and courtroom is dimly lit.)*

## **End of Freeview**

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